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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

YEONG LEE,

Plaintiff,

vs.

HELEN HO D/B/A O HAPPY NAILS;  
DUC TRAN, AS TRUSTEE OF THE  
MDRLL TRUST; and DOES 1 to 10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff YEONG LEE ("Plaintiff") complains of Defendants HELEN HO D/B/A  
O HAPPY NAILS; DUC TRAN, AS TRUSTEE OF THE MDRLL TRUST; and DOES 1  
to 10 ("Defendants") and alleges as follows:

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**PARTIES**

1  
2 1. Plaintiff is a California resident with a physical disability. Plaintiff is a  
3 transfemoral amputee below both thighs and is substantially limited in her ability to walk.  
4 Plaintiff requires the use of a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,  
6 business operators, lessors and/or lessees of the real property for a nail salon ("Business")  
7 located at or about 700 W. Orangewood Ave #1A, Anaheim, California.

8 3. The true names and capacities, whether individual, corporate, associate or  
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
11 Court to amend this Complaint when the true names and capacities have been  
12 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
18 the things alleged herein was acting with the knowledge and consent of the other  
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or  
21 failure to act by a defendant or Defendants, such allegations and references shall also be  
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
27 *seq.*).  
28



standards. Defendants failed to maintain the mark on the space with the International Symbol of Accessibility, resulting in the paint becoming severely deteriorated, hindering visibility.

d. Defendants failed to maintain the parking space designated for persons with disabilities to comply with the federal and state standards. Defendants failed to maintain the blue borderlines, blue hatched lines, and “NO PARKING” markings painted on the ground as required, resulting in the markings becoming severely deteriorated, hindering visibility.

e. Defendants failed to comply with the federal and state standards for the parking space designated for persons with disabilities. Defendants failed to provide at least one accessible entrance as required, as there was a single step at the entrance of the building, rather than a compliant ramp.

14. These barriers and conditions denied Plaintiff full and equal access to the Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and patronize the Business; however, Plaintiff is deterred from visiting the Business because her knowledge of these violations prevents her from returning until the barriers are removed.

15. Based on the violations, Plaintiff alleges, on information and belief, that there are additional barriers to accessibility at the Business after further site inspection. Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

16. In addition, Plaintiff alleges, on information and belief, that Defendants knew that particular barriers render the Business inaccessible, violate state and federal law, and interfere with access for the physically disabled.

17. At all relevant times, Defendants had and still have control and dominion over the conditions at this location and had and still have the financial resources to

1 remove these barriers without much difficulty or expenses to make the Business  
 2 accessible to the physically disabled in compliance with ADDAG and Title 24  
 3 regulations. Defendants have not removed such barriers and have not modified the  
 4 Business to conform to accessibility regulations.

### 5 **FIRST CAUSE OF ACTION**

#### 6 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

7 18. Plaintiff incorporates by reference each of the allegations in all prior  
 8 paragraphs in this complaint.

9 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual  
 10 shall be discriminated against on the basis of disability in the full and equal enjoyment of  
 11 the goods, services, facilities, privileges, advantages, or accommodations of any place of  
 12 public accommodation by any person who owns, leases, or leases to, or operates a place  
 13 of public accommodation. *See* 42 U.S.C. § 12182(a).

14 20. Discrimination, *inter alia*, includes:

- 15 a. A failure to make reasonable modification in policies, practices, or  
 16 procedures, when such modifications are necessary to afford such  
 17 goods, services, facilities, privileges, advantages, or accommodations  
 18 to individuals with disabilities, unless the entity can demonstrate that  
 19 making such modifications would fundamentally alter the nature of  
 20 such goods, services, facilities, privileges, advantages, or  
 21 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 22 b. A failure to take such steps as may be necessary to ensure that no  
 23 individual with a disability is excluded, denied services, segregated or  
 24 otherwise treated differently than other individuals because of the  
 25 absence of auxiliary aids and services, unless the entity can  
 26 demonstrate that taking such steps would fundamentally alter the  
 27 nature of the good, service, facility, privilege, advantage, or  
 28

accommodation being offered or would result in an undue burden. 42 U.S.C. § 12182(b)(2)(A)(iii).

- c. A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- d. A failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs or to ensure that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities where such alterations to the path or travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope. 42 U.S.C. § 12183(a)(2).

21. Where parking spaces are provided, accessible parking spaces shall be provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall be a van accessible parking space. 2010 ADA Standards § 208.2.4.

22. Under the ADA, the method and color of marking are to be addressed by State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California

1 Building Code (“CBC”), the parking space identification signs shall include the  
2 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
3 with a minimum area of 70 square inches. Additional language or an additional sign  
4 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
5 parking space identification sign shall be permanently posted immediately adjacent and  
6 visible from each parking space, shall be located with its centerline a maximum of 12  
7 inches from the centerline of the parking space and may be posted on a wall at the  
8 interior end of the parking space. See CBC § 11B-502.6, et seq.

9 23. Moreover, an additional sign shall be posted either in a conspicuous place at  
10 each entrance to an off-street parking facility or immediately adjacent to on-site  
11 accessible parking and visible from each parking space. The additional sign shall not be  
12 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in  
13 letters with a minimum height of 1 inch the following: “Unauthorized vehicles parked in  
14 designated accessible spaces not displaying distinguishing placards or special license  
15 plates issued for persons with disabilities will be towed always at the owner’s expense...”  
16 See CBC § 11B-502.8, et seq.

17 24. Here, Defendants failed to provide the parking space identification sign with  
18 the International Symbol of Accessibility. In addition, Defendants failed to provide the  
19 signs stating, “Minimum Fine \$250” and “Van Accessible.” Moreover, Defendants failed  
20 to provide the additional sign with the specific language stating “Unauthorized vehicles  
21 parked in designated accessible spaces not displaying distinguishing placards or special  
22 license plates issued for persons with disabilities will be towed always at the owner’s  
23 expense...”

24 25. For the parking spaces, access aisles shall be marked with a blue painted  
25 borderline around their perimeter. The area within the blue borderlines shall be marked  
26 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting  
27 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall  
28 be painted on the surface within each access aisle in white letters a minimum of 12 inches



1 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §  
2 11B-502.3.3.

3 26. Here, Defendants failed to provide a proper access aisle as the “NO  
4 PARKING” markings, blue borderlines, and blue hatched lines painted on the parking  
5 surface were poorly maintained, resulting in the markings becoming severely  
6 deteriorated, hindering visibility.

7 27. The surface of each accessible car and van space shall have surface  
8 identification complying with either of the following options: The outline of a profile  
9 view of a wheelchair with occupant in white on a blue background a minimum 36” wide  
10 by 36” high (914 mm x 914 mm). The centerline of the profile view shall be a maximum  
11 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the  
12 length of the parking space and its lower side or corner aligned with the end of the  
13 parking space length or by outlining or painting the parking space in blue and outlining  
14 on the ground in white or a suitable contrasting color a profile view of a wheel chair with  
15 occupant. See CBC § 11B-502.6.4, et seq.

16 28. Here, Defendants failed to maintain the paint of the International Symbol of  
17 Accessibility on the surface as required, resulting in the markings becoming severely  
18 deteriorated, hindering visibility.

19 29. At least one accessible route shall connect accessible building, facilities,  
20 elements, and spaces that are on the same site. 1991 ADA Standards § 4.3.2. A public  
21 accommodation shall maintain in operable working condition those features of facilities  
22 and equipment that are required to be readily accessible to and usable by persons with  
23 disabilities by the Act or this part. 28 C.F.R. 35.211(a).

24 30. Here, Defendants failed to provide at least one accessible entrance to the  
25 Business as the front entrance had a step instead of a proper ramp.

26 31. A public accommodation shall maintain in operable working condition those  
27 features of facilities and equipment that are required to be readily accessible to and usable  
28 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).



1           32. By failing to maintain the facility to be readily accessible and usable by  
2 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related  
3 regulations.

4           33. The Business has denied and continues to deny full and equal access to  
5 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
6 discriminated against due to the lack of accessible facilities, and therefore, seeks  
7 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
8 by individuals with disabilities.

9                                   **SECOND CAUSE OF ACTION**

10                           **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

11           34. Plaintiff incorporates by reference each of the allegations in all prior  
12 paragraphs in this complaint.

13           35. California Civil Code § 51 states, "All persons within the jurisdiction of this  
14 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
15 national origin, disability, medical condition, genetic information, marital status, sexual  
16 orientation, citizenship, primary language, or immigration status are entitled to the full  
17 and equal accommodations, advantages, facilities, privileges, or services in all business  
18 establishments of every kind whatsoever."

19           36. California Civil Code § 52 states, "Whoever denies, aids or incites a denial,  
20 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable  
21 for each and every offense for the actual damages, and any amount that may be  
22 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
23 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
24 attorney's fees that may be determined by the court in addition thereto, suffered by any  
25 person denied the rights provided in Section 51, 51.5, or 51.6.

26           37. California Civil Code § 51(f) specifies, "a violation of the right of any  
27 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
28 shall also constitute a violation of this section."



1 case less than one thousand dollars (\$1,000) and any attorney's fees that may be  
 2 determined by the court in addition thereto, suffered by any person denied the rights  
 3 provided in Section 54, 54.1, and 54.2.

4 43. California Civil Code § 54(d) specifies, "a violation of the right of an  
 5 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
 6 constitute a violation of this section, and nothing in this section shall be construed to limit  
 7 the access of any person in violation of that act.

8 44. The actions and omissions of Defendants alleged herein constitute a denial  
 9 of full and equal accommodation, advantages, and facilities by physically disabled  
 10 persons within the meaning of California Civil Code § 54. Defendants have  
 11 discriminated against Plaintiff in violation of California Civil Code § 54.

12 45. The violations of the California Disabled Persons Act caused Plaintiff to  
 13 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
 14 statutory damages as specified in California Civil Code §55.56(a)-(c).

#### 15 **FOURTH CAUSE OF ACTION**

##### 16 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

17 46. Plaintiff incorporates by reference each of the allegations in all prior  
 18 paragraphs in this complaint.

19 47. Plaintiff and other similar physically disabled persons who require the use of  
 20 a wheelchair are unable to use public facilities on a "full and equal" basis unless each  
 21 such facility is in compliance with the provisions of California Health & Safety Code §  
 22 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
 23 provisions of California Health & Safety Code § 19955 et seq.

24 48. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
 25 that public accommodations or facilities constructed in this state with private funds  
 26 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
 27 Title 1 of the Government Code. The code relating to such public accommodations also  
 28 require that "when sanitary facilities are made available for the public, clients, or

employees in these stations, centers, or buildings, they shall be made available for persons with disabilities.

49. Title II of the ADA holds as a “general rule” that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of goods (or use), services, facilities, privileges, and accommodations offered by any person who owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a). Further, each and every violation of the ADA also constitutes a separate and distinct violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an award of damages and injunctive relief pursuant to California law, including but not limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

## **FIFTH CAUSE OF ACTION**

### **NEGLIGENCE**

50. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

51. Defendants have a general duty and a duty under the ADA, Unruh Civil Rights Act and California Disabled Persons Act to provide safe and accessible facilities to the Plaintiff.

52. Defendants breached their duty of care by violating the provisions of ADA, Unruh Civil Rights Act and California Disabled Persons Act.

53. As a direct and proximate result of Defendants’ negligent conduct, Plaintiff has suffered damages.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for relief and judgment against Defendants as follows:

1. For preliminary and permanent injunction directing Defendants to comply with the Americans with Disability Act and the Unruh Civil Rights Act;

2. Award of all appropriate damages, including but not limited to statutory damages, general damages and treble damages in amounts, according to proof;

1           3.     Award of all reasonable restitution for Defendants' unfair competition  
2 practices;

3           4.     Reasonable attorney's fees, litigation expenses, and costs of suit in this  
4 action;

5           5.     Prejudgment interest pursuant to California Civil Code § 3291; and

6           6.     Such other and further relief as the Court deems just and proper.

7                               **DEMAND FOR TRIAL BY JURY**

8           Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
9 demands a trial by jury on all issues so triable.

10  
11 Dated: January 18, 2024

SO. CAL. EQUAL ACCESS GROUP

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14 By: /s/ Jason J. Kim  
15 Jason J. Kim, Esq.  
16 Attorneys for Plaintiff  
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